

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ERIC D. SMITH,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:06-CV-461 PS
)	
WILLIAM K. WILSON,)	
)	
Respondent.)	

OPINION AND ORDER

Eric D. Smith, a *pro se* prisoner, seeks leave to proceed *in forma pauperis* on appeal. Pursuant to 28 U.S.C. § 1915(a)(3), “An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” This appeal is not taken in good faith for the reasons stated in this court’s order dated April 12, 2007 (docket #15). Specifically, Mr. Smith had the opportunity to respond to the respondent’s assertions that Mr. Smith had not suffered a sanction that would result in the lengthening of the duration of his confinement. In his response, Mr. Smith did not attempt to demonstrate how the sanction would lengthen the duration of his confinement, but merely addressed the merits of his due process arguments. Consequently, Mr. Smith’s appeal is not taken in good faith. Mr. Smith may still proceed with this appeal, but to do so he must pay the full \$455.00 filing fee in advance.

For the foregoing reasons, the court:

- (1) DENIES the motion for leave to proceed on appeal *in forma pauperis* (docket #21);
- (2) GRANTS Eric D. Smith to and including May 29, 2007, within which to pay the \$455.00 filing fee; and

(3) CAUTIONS Eric D. Smith, that if he does not pay this filing fee by that date, this appeal may be dismissed without further notice.

SO ORDERED.

ENTERED: May 15, 2007.

s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT